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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3715

14 **STEVEN LEE JENSEN**
27232 Marchland Avenue
15 Canyon Country, CA 91351

A C C U S A T I O N

16 **Pharmacy Technician Registration**
17 **No. TCH 82698**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
23 capacity as the Executive Officer of the Board of Pharmacy.

24 2. On or about May 19, 2008, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 82698 to Steven Lee Jensen ("Respondent"). The Pharmacy
26 Technician Registration was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2011, unless renewed.
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1 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
2 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not."

3 "...
4 "(j) The violation of any of the statutes of this state, or any other state, or of the
United States regulating controlled substances and dangerous drugs."

5 "...
6 "(l) The conviction of a crime substantially related to the qualifications, functions,
7 and duties of a licensee under this chapter. The record of conviction of a violation
8 of Chapter 13 (commencing with Section 801) of Title 21 of the United States
9 Code regulating controlled substances or of a violation of the statutes of this state
10 regulating controlled substances or dangerous drugs shall be conclusive evidence
11 of unprofessional conduct. In all other cases, the record of conviction shall be
12 conclusive evidence only of the fact that the conviction occurred. The board may
13 inquire into the circumstances surrounding the commission of the crime, in order
14 to fix the degree of discipline or, in the case of a conviction not involving
controlled substances or dangerous drugs, to determine if the conviction is of an
offense substantially related to the qualifications, functions, and duties of a
licensee under this chapter. A plea or verdict of guilty or a conviction following a
plea of nolo contendere is deemed to be a conviction within the meaning of this
provision. The board may take action when the time for appeal has elapsed, or the
judgment of conviction has been affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence, irrespective of a
subsequent order under Section 1203.4 of the Penal Code allowing the person to
withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information, or indictment."

15 9. Section 4060 of the Code provides in pertinent part:

16 "No person shall possess any controlled substance, except that furnished to a
17 person upon the prescription of a physician, dentist, podiatrist, optometrist,
18 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
19 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
20 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052..."

21 REGULATORY PROVISION

22 10. California Code of Regulations, title 16, section 1770, provides:

23 "For the purpose of denial, suspension, or revocation of a personal or facility license
24 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
25 crime or act shall be considered substantially related to the qualifications, functions or duties of a
26 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
27 licensee or registrant to perform the functions authorized by his license or registration in a manner
28 consistent with the public health, safety, or welfare."

1 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

2 11. Section 4021 of the Code states:

3 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
4 11053) of Division 10 of the Health and Safety Code.

5 12. Section 4022 of the Code states:

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
7 use in humans or animals, and includes the following:

8 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
9 without prescription," "Rx only," or words of similar import.

10 (b) Any device that bears the statement: "Caution: federal law restricts this device
11 to sale by or on the order of a _____," "Rx only," or words of similar import, the
12 blank to be filled in with the designation of the practitioner licensed to use or order
13 use of the device.

14 (c) Any other drug or device that by federal or state law can be lawfully dispensed
15 only on prescription or furnished pursuant to Section 4006.

16 13. Oxycodone is an opioid analgesic medication synthesized from opium-derived
17 thebaine. It is generally prescribed for the relief of moderate to severe pain. Oxycodone is a
18 Schedule II controlled substance per California Health & Safety Code Section 11055(b)(1)(M).

19 14. Morphine is a potent opiate analgesic medication and is considered to be the
20 prototypical opioid. It is generally prescribed for the relief of severe or agonizing pain and
21 suffering. Morphine is a Schedule II controlled substance per California Health & Safety Code
22 Section 11055(b)(1)(L).

23 15. Suboxone is a brand name for a medication containing a combination of
24 Buprenorphine and Naloxone. Suboxone is a semi-synthetic opioid that is generally prescribed to
25 treat opioid addiction in higher dosages and to control moderate pain in non-opioid tolerant
26 individuals in lower dosages. Buprenorphine is a Schedule V controlled substance per California
27 Health & Safety Code Section 11058(d). Naloxone is a competitive narcotic antagonist that is
28 used in the management and reversal of overdoses caused by narcotics.

 16. Hydrocodone is a semi-synthetic opioid derived from either of two naturally
occurring opiates—codeine and thebaine. It is generally prescribed to treat moderate to severe
pain. Hydrocodone is a Schedule II controlled substance per California Health & Safety Code
Section 11055(b)(1)(I).

1 17. Alprazolam is also known by its brand name Xanax. Alprazolam is in a class of
2 medications called benzodiazepines and is generally prescribed to treat anxiety disorders and
3 panic disorder. Alprazolam is a Schedule IV controlled substance per California Health & Safety
4 Code Section 11057(d)(1).

5 **COST RECOVERY**

6 18. Section 125.3 of the Code states, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of a Crime)**

12 19. Respondent's registration is subject to disciplinary action under Business and
13 Professions Code Sections 490(a) and 4301(l) because the Respondent was convicted of a crime
14 substantially related to the qualifications, functions, and duties of a Pharmacy Technician.

15 (a) On or about February 23, 2010, in the Superior Court of the State of California,
16 County of Los Angeles, the Respondent was convicted of the crime of Second Degree
17 Commercial Burglary, in violation of Penal Code section 459, a Felony. The Respondent was
18 also convicted of the crime of Possession for Sale of a Controlled Substance: Oxycodone, in
19 violation of Health and Safety Code section 11351, a Felony. The Respondent was ordered to
20 serve 270 days in jail, placed on formal probation for a period of three (3) years, ordered to
21 complete a drug rehabilitation program, and to stay away from ZOEYS Pharmacy. (*People v.*
22 *Steven Jensen, Superior Court of the State of California, County of Los Angeles, Case No.*
23 *PA065758, 02/23/2011*).

24 (b) The facts and circumstances of the criminal conviction are that on or about December
25 8, 2009, at approximately 3:30 a.m., sheriff deputies respond to a burglary alarm at ZOEYS
26 Pharmacy in Canyon Country CA. Deputies notice the front doors of the pharmacy are smashed
27 and a broken roof hatch. During a search, the Respondent is found hiding in the attic space of the
28 pharmacy. A second burglar flees the crime scene but is later arrested. Approximately \$6,000.00

1 worth of prescription medication is stolen from the pharmacy, including Oxycodone, morphine,
2 Suboxone, Hydrocodone, and Alprazolam.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Committing an Act Involving Moral Turpitude and Dishonesty)**

5 20. Respondent's registration is subject to disciplinary action under Business and
6 Professions Code Section 4301(f) because the Respondent committed an act involving moral
7 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference
8 incorporates the allegations set forth in paragraph 19 above, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Violating a State Statute Regulating Controlled Substances)**

11 21. Respondent's registration is subject to disciplinary action under Business and
12 Professions Code Sections 4301(j) and 4060 because the Respondent committed an act that
13 violates a statute of this state, or of the United States regulating controlled substances and
14 dangerous drugs. Complainant refers to, and by this reference incorporates the allegations set
15 forth in paragraph 19 above, as though set forth fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime)**

18 22. Respondent's registration is subject to disciplinary action under Business and
19 Professions Code Sections 490(a) and 4301(l) because the Respondent was convicted of a crime
20 substantially related to the qualifications, functions, and duties of a Pharmacy Technician.

21 (a) On or about February 23, 2010, in the Superior Court of the State of California,
22 County of Los Angeles, the Respondent was convicted of the crime of Petty Theft, in violation of
23 Penal Code section 484, a misdemeanor. The Respondent was ordered to serve 30 days in jail,
24 placed on formal probation for a period of three (3) years, and ordered to stay away from CVS
25 Pharmacy. (*People v. Steven Jensen, Superior Court of the State of California, County of Los*
26 *Angeles, Case No. 0NW00169, 02/23/2011).*

27 (b) The facts and circumstances of the criminal conviction are that on or about December
28 22, 2009, the Respondent admitted stealing controlled substances from the CVS Pharmacy in

1 Canyon Country CA while employed as a pharmacy technician. The Respondent told police he
2 stole approximately 510 Hydrocodone pills between July 2009 and December 2009 and then
3 either furnished, sold, or consumed the Hydrocodone pills.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Committing an Act Involving Moral Turpitude and Dishonesty)**

6 23. Respondent's registration is subject to disciplinary action under Business and
7 Professions Code Section 4301(f) because the Respondent committed an act involving moral
8 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference
9 incorporates the allegations set forth in paragraph 22 above, as though set forth fully.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Violating a State Statute Regulating Controlled Substances)**

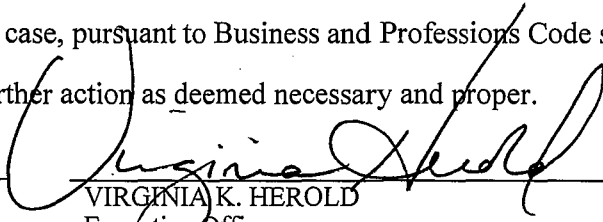
12 24. Respondent's registration is subject to disciplinary action under Business and
13 Professions Code Sections 4301(j) and 4060 because the Respondent committed an act that
14 violates a statute of this state, or of the United States regulating controlled substances and
15 dangerous drugs. Complainant refers to, and by this reference incorporates the allegations set
16 forth in paragraph 22 above, as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Pharmacy issue a decision:

- 20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 82698,
21 issued to Steven Lee Jensen;
- 22 2. Ordering Steven Lee Jensen to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code sec. 125.3;
- 24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: 4/21/11

26 
VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
27 Complainant
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